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1. Introduction

This program document describes the structure, policies, and responsibilities of the River Protection Project-Waste Treatment Plant (RPP-WTP) Project Employee Concerns Program (ECP). This program applies to employee concerns of a safety, health, and environmental nature.

This program does not cover equal employment opportunity, sexual harassment, or other work place concerns not associated with safety, health, and the environment. BNFL Inc. has programs to address these other areas of concern. For such concerns, employees can refer to the BNFL Inc. procedures.

The RPP-WTP Project ECP supports the employee's right to bring unresolved issues or concerns to the attention of management at any level within their own employment entity/organization structure. Employees are encouraged to first use the issue resolution methods identified in internal procedures; however, external organizations that are available for reporting concerns are also identified in those procedures for use of RPP-WTP Project employees.

The ECP has been designed to apply throughout the RPP-WTP Project life cycle: design, construction, operation, and deactivation. The ECP is intended for the use of both direct project employees and subcontractor employees and is consistent with the contract with U.S. Department of Energy (DOE).

2. Policy

The RPP-WTP Project senior management and organization are committed to open, two-way communication with employees, including subcontractor employees. Employees are encouraged to promptly report concerns regarding safety, health, environmental protection, compliance with laws and regulations, quality, fraud, waste, or mismanagement of government resources, or reprisals through normal project processes. These processes include dialogue between employees and management, or referral to service organizations (Safety or Human Resources, for example). The RPP-WTP Project senior management and organization endorse and encourage participation in the ECP if normal methods have not effectively addressed an employee's concern. Employees are also encouraged to identify near miss and non-consequential events to ensure that opportunities for improved operations are considered.

Management is committed to prompt resolution of concerns. However, if the employee either believes normal methods have not been effective or does not wish to use normal methods, the employee can go directly to the RPP-WTP Project ECP that has been designed to supplement the normal project processes, programs, or systems for identifying and dealing with safety, health, and environmental concerns. All concerns reported to the ECP are important and will be handled in a similar manner through the ECP process. The ECP cannot, however, be used to replace the grievance process that is in place for bargaining unit personnel, although the project reserves the right at all times to investigate claims of fraud or other serious mismanagement. Confidentiality and anonymity (as required) will be observed.

Freedom of expression cannot co-exist with fear of reprisal. For the RPP-WTP Project, no employee who identifies a concern will be subjected to any form of reprisal or retribution that violates the provisions described in 29 CFR 24 or 10 CFR 708. Any project employee, including supervisors and managers, who engages in reprisal in response to an employee concern shall be subject to disciplinary action which may include discharge.

This policy information is provided to employees in mandatory ECP training. During ECP training, RPP-WTP Project senior management endorses and encourages participation in the ECP.

3. Definitions

Employee Concern	A good faith expression by an employee that a policy or practice of RPP-WTP contractors, DOE, or other contractors or subcontractors should be improved, modified, or terminated. Concerns can address issues such as safety, health, the environment, management practices, fraud, waste, or reprisal for raising a concern.
Imminent Danger Condition/Concern	Any condition or practice in any workplace that creates a danger that could reasonably be expected to cause death or serious physical harm immediately or before the onset of such danger could be eliminated through the normal procedural mechanism.

4. Employee Concerns Program Structure

The ECP is directed by the Employee Concerns Program Officer and administered by the Employee Concerns Program Coordinator and provides processes for employees to initiate concerns and for the investigation and resolution of those concerns. Procedures address reporting, investigating, and resolving concerns.

4.1. Employee Concerns Program Officer and Coordinator

The ECP Officer and Coordinator duties are regarded as high priority. Management will support the performance of these duties by 1) recognizing and supporting the need to keep employee concern information confidential, and 2) providing office facilities which allow ready access by concerned employees, privacy for discussions, and secure records storage.

4.2. Initiating a Concern

Employees can identify issues they want resolved through the ECP by contacting any manager, the ECP Coordinator, or the Project ECP Officer in writing or by telephone. Employees are advised that they are not obligated to express their concern to project personnel prior to notification of the Regulatory Unit (RU), other authorized Government agency that could receive employee concerns, or any other avenue of expression.

Employees may include their name with the concern but ask that their name be kept in confidence. The employee's desire for confidentiality will be honored unless, in the judgment of senior project management or the Project ECP Officer, keeping this confidence would seriously jeopardize safety, quality, environmental protection, or compliance with laws or DOE regulations. However, before an employee's name is used when confidentiality has been requested and agreed upon, the employee will be notified and the employee's name will only be made available to personnel with a valid need-to-know. If the employee informs the ECP Officer that confidentiality is required regardless of the circumstances surrounding the concern, the ECP Officer shall pursue the issue with the RPP-WTP Project legal staff.

If the employee desires, a concern may be submitted anonymously. The ECP representative will use the information available to have anonymous concerns investigated to the degree appropriate to the significance and urgency of the concern, recognizing that concerns are often more difficult to resolve without discussion with the person making the complaint. The employee making the anonymous concern may contact the ECP Officer or Coordinator to learn of actions taken to resolve the anonymous concern.

4.3. Investigation and Corrective Action

After an employee has submitted a concern, the concern is categorized as: (1) an imminent danger or immediate threat to health, safety, quality, or the environment or a continuing case of misconduct; (2) an event requiring a report to regulatory agencies; or (3) a problem of lesser significance. The potential for or presence of significant impact or imminent danger shall be the first consideration in evaluating an employee concern, followed by timely, appropriate investigation and action (which may include notification of project management). The employee should receive acknowledgement of the receipt and categorization of the concern within 5 working days and resolution of the concern within 30 working days.

Unless otherwise agreed to by the employee, an organization other than that of the employee's immediate supervisor should conduct the investigation. Similarly, the individuals or organizations outside the concerned employee's organization should not be selected to conduct the investigation where their involvement presents a conflict of interest.

The investigator may use techniques such as root cause analysis to assure that core issues have been identified during the investigations. Guidance for conducting investigations and for extensions of recommended timeframes are included in procedures. A written record of the concern, information obtained during the investigation process, contact with the concerned employee, and actions taken to resolve the concern will be kept in a secure environment. Employees will be kept informed of the progress of the investigation and any corrective action relating to the concern.

Concerns that are not related to safety, health, or environmental areas (e.g., employee relations, company policy, or labor relations) will be referred to the appropriate manager for response.

4.4. Records and Reporting Requirements

As a minimum, the ECP Officer will maintain the following records:

- (a) concern log
- (b) concern report
- (c) investigation and resolution summaries
- (d) results of management assessment of the ECP.

The ECP Officer will provide quarterly reports to the RPP-WTP General Manager and to the DOE-RU Safety Allegations Program Coordinator (or other DOE official identified as the primary DOE point of contact). The report will address the following:

- (a) the concerns activity levels for the period
- (b) nature of the concerns
- (c) resolution of the concerns
- (d) program enhancements

- (e) if changes are made in the ECP Coordinator or Officer assignment, the name, title, and phone number of the new appointee.

The report will be prepared in a manner that provides confidentiality to employees who submitted concerns.

The ECP Officer will also report progress and corrective actions, if any, to employees who have submitted concerns. The report does not have to be a written report.

5. Employee Concerns Program Participant Responsibilities

5.1. ECP Staff

The ECP Officer and Coordinator(s) will be nominated by senior management and will be chosen in accordance with the qualification standards prescribed by management in procedures. The ECP Coordinator(s) will assist the ECP Officer in administration of the ECP. Guidance and specific responsibilities of the ECP Officer and Coordinator(s) are contained in procedures.

The ECP Officer is responsible for taking necessary actions to ensure the program's success. These actions include:

1. informing employees of their rights to raise issues
2. providing workplace postings and program brochures to include information such as legally required notifications and phone numbers of individuals or organizations employees may contact
3. establishing procedures describing methods and processes used to implement program requirements
4. establishing a 24-hour telephone capability for easy access and timely reporting of concerns
5. ensuring that concerns are investigated and resolved in a timely manner and that mechanisms exist to assure confidentiality
6. establishing criteria for investigation and resolution of concerns
7. selecting appropriate senior and experienced investigators
8. ensuring that the concern has been investigated and that core issues identified have been corrected and confirmed to management (e.g., entry of the issue into the corrective action program)
9. referring or reporting concerns to DOE or other agencies as required by regulations
10. implementing the administrative controls to support the program
11. developing effective program training that provides senior management endorsement of the ECP
12. submitting reports, including those required to applicable regulatory agencies
13. ensuring the ECP policies and practices conform to the authorization basis.

5.2. RPP-WTP Project Organization Managers

RPP-WTP Project managers and supervisors are responsible for establishing a work climate that encourages free flow of communication between employees and managers. If employees are uncomfortable discussing an issue with members of their management chain, this program provides other paths for issue identification (including discussion with other managers within the work group, within company service groups, or at upper levels of management). Managers are expected to listen, to promptly evaluate the presence of or potential for imminent danger; and to investigate and take appropriate responsive actions, if any, in an effective, timely manner. They also have the responsibility to seek help from upper management or other sources with the needed expertise or authority to resolve a concern. Managers are responsible for discussing delays in resolution with the employees reporting concerns as well as the basis for each appropriate responsive action, if any. Managers are also responsible for ensuring that each employee under their direction receives ECP training that has been established by the RPP-WTP Project training group.

5.3. RPP-WTP Project Organization Employees

Employees are responsible for ensuring that they understand and are able to apply the training they receive regarding the ECP. Employees are further encouraged to exercise their responsibility for reporting concerns of a safety, health, or environmental nature. Should the employee choose to report a concern anonymously, the employee may periodically contact the ECP staff to learn the status of the concern.

6. References

1. 10 CFR 708, *Contractor Employee Protection Program*
2. 29 CFR 24, *Procedures for the Handling of Discrimination Complaints Under Federal Employee Protection Statutes*